

1 KARL J. KRAMER (CA SBN 136433)  
2 kkramer@mofo.com  
3 MARC J. PERNICK (CA SBN 160591)  
4 mpernick@mofo.com  
5 MORRISON & FOERSTER LLP  
6 755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792

7 J. RYAN GILFOIL (CA SBN 246493)  
jgilfoil@mofo.com  
8 MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
9 Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

10 Attorneys for Plaintiff  
11 CYBERSOURCE CORPORATION

12 MARK D. ROWLAND (CA SBN 157862)  
mark.rowland@ropesgray.com  
13 ROPES & GRAY LLP  
1900 University Avenue, 6th Floor  
East Palo Alto, CA 94303  
Telephone: (650) 617-4000  
Facsimile: (650) 617-4040

14 JAMES R. MYERS (*Pro Hac Vice*)  
ROPES & GRAY LLP  
700 12<sup>th</sup> Street, NW, Suite 900  
Washington, D.C. 20005-3948

15 J. STEVEN BAUGHMAN (*Pro Hac Vice*)  
ROPES & GRAY LLP  
Yusen Building 2F, 2-3-2 Marunouchi  
Chiyoda-ku, Tokyo, Japan 100-0005

16 SCOTT J. BORNSTEIN (*Pro Hac Vice*)  
GREENBERG TRAURIG, LLP  
MetLife Building  
New York, NY 10166  
Telephone: (212) 801-9200  
Facsimile: (212) 801-6400

17 JOHN P. WARD (SBN: 163576)  
WardJ@gtlaw.com  
18 JAMES W. SOONG (SBN: 196092)  
SoongJ@gtlaw.com  
GREENBERG TRAURIG, LLP  
1900 University Avenue, Fifth Floor  
East Palo Alto, California 94303  
Telephone: (650) 328-8500  
Facsimile: (650) 328-8508

19 Attorneys for Defendant  
20 RETAIL DECISIONS, INC.

21 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

23 CYBERSOURCE CORPORATION,

24 Plaintiff,

25 v.

26 RETAIL DECISIONS, INC.,

27 Defendant.

28 Case No. 3:04-CV-03268-MHP

STIPULATION AND PROPOSED  
ORDER REGARDING CLAIM  
CONSTRUCTION AND SUMMARY  
JUDGMENT DEADLINES

1           Subject to the Court's approval, Plaintiff CyberSource Corporation and Defendant Retail  
2 Decisions, Inc. (collectively, the "Parties"), by and through their respective attorneys, hereby  
3 stipulate that, in order to accommodate counsel's travel schedules and the efficient briefing of the  
4 issues discussed below:

5           1.       In connection with ReD's motion for summary judgment of invalidity as discussed  
6 at the October 6, 2008 hearing in this matter (as to which no previous extensions of time have  
7 been made):

- 8           • ReD's motion, presently scheduled to be submitted on January 12, 2009, will be  
9           submitted on January 26, 2009;
- 10          • CyberSource's response, presently scheduled to be submitted on January 26, 2009,  
11           will be submitted on February 16, 2009; and,
- 12          • Subject to the convenience of the Court, the hearing relating to this motion  
13           presently scheduled to take place on February 2, 2009, will be moved to February  
14           23, 2009, or such other time as the Court directs.

15          3.       In connection with the current deadlines for claim construction identified below  
16 (as to which there have been prior extensions):

- 17          • The claim construction discovery deadline presently scheduled for January 30,  
18           2009, will be changed to February 6, 2009;
- 19          • CyberSource's opening claim construction brief, currently due February 6, 2009,  
20           will be filed by February 13, 2009;
- 21          • ReD's responsive claim construction brief, currently due February 20, 2009, will  
22           be filed by February 27, 2009;
- 23          • CyberSource's reply claim construction brief, currently due February 27, 2009,  
24           will be filed by March 6, 2009; and
- 25          • Subject to the convenience of the Court, the claim construction hearing presently  
26           scheduled to take place on March 6, 2009, will be moved to March 14, 2009, or  
27           such other time as the Court directs.

1       4. Pursuant to Local Rule 6-2(a)(3), these time modifications would have no other  
2 effect on the schedule for the case.  
3  
4

5 Dated: December 23, 2008

KARL J. KRAMER  
MARC J. PERNICK  
J. RYAN GILFOIL  
MORRISON & FOERSTER LLP

6  
7 By: /s/ Marc J. Pernick  
8           Marc J. Pernick  
9           MPernick@mofo.com

10  
11 Attorneys for Plaintiff  
12 CYBERSOURCE CORPORATION

13 Dated: December 23, 2008

14 SCOTT J. BORNSTEIN  
15 JAMES W. SOONG  
16 GREENBERG TRAURIG, LLP

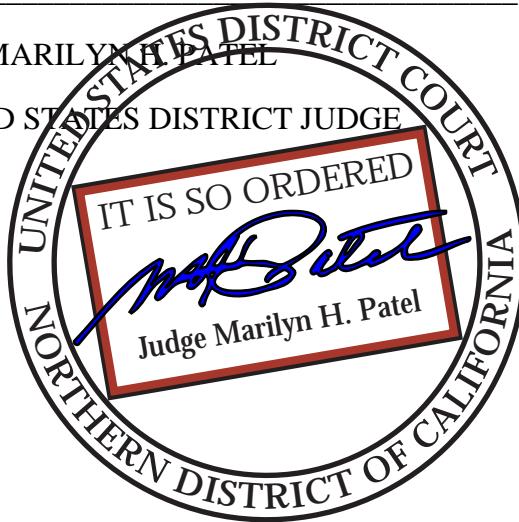
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18 JAMES R. MYERS  
19 MARK D. ROWLAND  
20 J. STEVEN BAUGHMAN  
21 ROPES & GRAY LLP

22  
23 By: /s/ J. Steven Baughman  
24           J. Steven Baughman

25  
26 Attorneys for Defendant  
27 RETAIL DECISIONS, INC.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
2  
3 Dated: 1/5/2009

4 HON. MARILYN H. PATEL  
5 UNITED STATES DISTRICT JUDGE



1 I, J. STEVEN BAUGHMAN, am the ECF User whose ID and password are being used to  
2 file this STIPULATION AND PROPOSED ORDER REGARDING CLAIM CONSTRUCTION  
3 DEADLINES. In compliance with General Order 45, X.B., I hereby attest that MARC J.  
4 PERNICK has concurred in this filing.

5 Dated: December 23, 2008

ROPPES & GRAY LLP

6 By: /s/J. Steven Baughman

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